

PROCESS

The following process is to be followed when an adoption worker recommends that a prospective adoptive family not be granted consent to adopt a specific Michigan Children's Institute (MCI) ward.

For permanent court wards, the adoption worker may consult with the local court which has authority over the child.

Exception: Upon request from the adoption supervisor, the MCI superintendent or the director of the DHHS Adoption Program office may approve exceptions to this process for MCI wards. Exceptions may be granted if it appears that doing so will achieve permanency and stability for an adoptee as quickly as possible and is in the best interests of the adoptee. The DHS-1785, Policy Decision, may be used for documenting an exception.

Written Notice of Agency's Recommendation To Deny Consent

If the adoption worker determines that the prospective adoptive family should not be recommended for consent, the prospective adoptive family must be informed and provided with a summary of the factors that were considered in the decision.

For MCI wards, the adoption worker must inform the family in writing, using the DHS-605, Recommendation to Deny Consent.. The DHS-605, Recommendation to Deny Consent, notifies the adoptive applicant(s) that if they applied for adoption of a specific child, the recommendation will be sent to the Superintendent of the MCI who will make the final consent decision. The DHS-605 also informs the adoptive applicant(s) that they may provide additional information directly to the MCI.

MCI Review and Written Decision

The MCI office must review the information provided by the adoption agency and by the applicant family. Additional information may be requested of the child placing agency. Consultation with the lawyer-guardian ad litem (L-GAL) for the child and other professionals may also occur. The MCI office may consult with the DHHS Office of Family Advocate and/or with the respective area office. The MCI superintendent must issue a written decision containing a brief description of the factors considered.

**Written Notice to
Family of MCI
Decision**

The MCI office must send a copy of the written decision to the applicant family that their request for consent to adoption has been denied. The written decision must also be sent to the child placing agency and to the lawyer-guardian ad litem (L-GAL) for the child. The child placing agency will be informed that they may proceed with adoption planning for the child.

Notification of the denial to the adoptive applicant from the MCI office must include information that MCL 710.45 allows an individual who has been denied a request for consent to adoption to file a Petition for Adoption (PCA 301) along with a motion that consent was withheld in an arbitrary and capricious manner. This petition and motion must be filed before either of the following occurs:

- Fifty-six days following the entry of the order placing the child, or
- Entry of the order of adoption.

**SECTION 45
HEARING
NOTIFICATION**

The local DHHS office and/or contract agency must immediately notify and provide a copy of any Section 45 motions received from the court to the Michigan Children's Institute (MCI) office.

**Filing of Petition
for Adoption**

MCL 710.24(2) and MCL 710.45(4) require that in an adoption proceeding in which there is more than one applicant, the petition for adoption be filed in the county where parental rights were terminated.

MCL 710.45(5) requires that the court provide notice of a motion filed under MCL 710.45 to all interested parties. Interested parties include all petitioners for adoption.

**Forwarding
Information to the
Court**

Copies of the DHS-883, Consent to Adopt MCI Decision, to the prospective adoptive family from the child placing agency and the DHS-605, Recommendation to Deny Consent, from the MCI office must be presented to the court if a petition for adoption of the child is filed.